



House of Representatives

General Assembly

File No. 229

January Session, 2017

House Bill No. 7093

House of Representatives, March 27, 2017

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING NOTIFICATION TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-291c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) No law enforcement unit, as defined in section 7-294a, shall hire
4 any person as a police officer, as defined in said section 7-294a, who
5 was previously employed as a police officer by such unit or in any
6 other jurisdiction and who (1) was dismissed for malfeasance or other
7 serious misconduct calling into question such person's fitness to serve
8 as a police officer; or (2) resigned or retired from such officer's position
9 while under investigation for such malfeasance or other serious
10 misconduct.

11 (b) Any law enforcement unit that has knowledge that any former
12 police officer of such unit who (1) (A) was dismissed for malfeasance

13 or other serious misconduct, or (B) resigned or retired from such
14 officer's position while under investigation for such malfeasance or
15 other serious misconduct; and (2) is an applicant for the position of
16 police officer with any other law enforcement unit, shall inform such
17 other unit and the Police Officer Standards and Training Council
18 established under section 7-294b of such dismissal, resignation or
19 retirement.

20 (c) The provisions of this section shall not apply to any police officer
21 who is exonerated of each allegation against such officer of such
22 malfeasance or other serious misconduct.

23 (d) For purposes of this section, (1) "malfeasance" means the
24 commonly approved usage of "malfeasance"; and (2) "serious
25 misconduct" means improper or illegal actions taken by a police officer
26 in connection with such officer's official duties that could result in a
27 miscarriage of justice or discrimination, including, but not limited to,
28 (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated
29 use of excessive force, (D) acceptance of a bribe, or (E) the commission
30 of fraud.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2017	7-291c
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PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is expected to be no fiscal impact resulting from the bill, which requires The Police Officer Standards and Training Council (POST) be notified by any police department unit with knowledge of an applicant's previous dismissal due to misconduct, malfeasance, or their retirement while under investigation. Current statute already requires the police department with knowledge to alert the unit the individual is applying to.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 7093*****AN ACT CONCERNING NOTIFICATION TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL.*****SUMMARY**

This bill requires law enforcement units to inform the Police Officer Standards and Training Council (POST) if they know that a former police officer is applying for a police job after the officer was dismissed for malfeasance or serious misconduct calling into question his or her fitness to serve, or retired or resigned during an investigation of such. Law enforcement units are (1) already required by law to make such reports to another unit to which the officer is applying and (2) barred from hiring such officers.

By law, POST, which certifies municipal police officers, is authorized to decertify officers who commit certain actions; decertified individuals cannot work as police officers in Connecticut (see BACKGROUND).

For purposes of the law and the bill, (1) "malfeasance" has its common meaning, and (2) "serious misconduct" means an officer's improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud. The bill does not apply to an officer exonerated of all malfeasance or serious misconduct allegations.

The bill, like existing law, applies to state, municipal, or other government entities whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It also applies to the two tribal police departments.

EFFECTIVE DATE: October 1, 2017

BACKGROUND

POST

The council (1) trains, certifies, and establishes minimum qualifications for municipal police officers and others and (2) enforces professional standards for certifying and decertifying them. It may cancel or revoke a police officer's certificate if it was issued in error or obtained by misrepresentation or fraud, or the officer:

1. falsified a document to get or renew it;
2. was convicted, or found not guilty by reason of mental disease or defect, of a felony;
3. was convicted of misdemeanor drug possession or accepting gifts or rewards to influence his or her conduct;
4. was denied a certificate or similar authorization or had one cancelled or revoked in another jurisdiction on grounds similar to those that warrant cancellation or revocation in Connecticut;
5. was found by a law enforcement unit to have used a firearm improperly and killed or seriously injured another person; or
6. was found by a law enforcement unit to have committed an act that would constitute tampering with or fabricating evidence, perjury, or false statement, as defined in law (CGS § 7- 294d).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (03/07/2017)